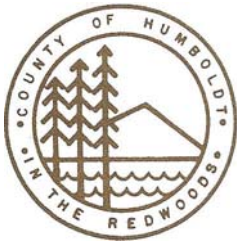


The Grand Jury of Humboldt County



2010-2011
Final Report



GRAND JURY
COUNTY OF HUMBOLDT

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EUREKA, CALIFORNIA 95501-1153 PHONE (707) 476-2475

June 30, 2011

Honorable Bruce Watson; Presiding Judge
Superior Court of California
County of Humboldt

Advising the Civil Grand Jury is an assignment you have served during our term. The volunteer jurors have worked throughout that period and across the county to examine all aspects of county, city, agency and district government(s). A Civil Grand Jury serves as an ombudsman for the public.

This report is the published result of more than 12,000 hours of intensive work by 15 Grand Jurors over the course of the 2010-2011 year of service to Humboldt County. The Grand Jury of 15 has worked very hard to complete all the important work to be done. During the year of service, this jury continued two investigations from last year and received more than 35 citizen complaints that were investigated.

We have interviewed over 160 experts and witnesses, some of them several times. We've driven hundreds of miles and inspected numerous facilities throughout Humboldt County. We pored over thousands of pages of documents, some very technical, We cannot report on every specific item we checked, every place we observed, or every complaint we investigated and analyzed, but we have been diligent in working assiduously for the public interest.

Every year, and again in 2010-11, the Civil Grand Jury of Humboldt County is composed of a cross section of our fellow citizens. We are or have been educators, technicians, art historians, timber and mill workers, union activists, bookkeepers, business owners, office managers, mechanics, and community activists. Some of this year's jurors have always lived in Humboldt County; while others have come here from all corners of the U. S. and the world, to pursue careers or to enjoy retirement.

While the jurors have taken their work and obligation seriously, each of us also truly appreciates the time, interest, and attention of those who were polite and professional in interviews and provided all documentation requested of them. We appreciate the work of county staff and community members who helped in numerous ways to clarify questions and give direction to the jury in its many pursuits. Our advisors from the Superior Court have been attentive at all times to our questions, for which we are very grateful.

The direct assistance from the County Counsel personally and from the entire office has been outstanding; as it has been for fourteen years of Civil Grand Juries in Humboldt. We also express our appreciation to those public officials and employees who have provided an inside view into the workings of the entities we have reviewed across the county. Without their cooperation, our work could not have been accomplished.

Very truly yours,

Tim Marks
Foreperson
Humboldt County Grand Jury

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2010 - 2011 Civil Grand Jury of Humboldt County

Officers

Presiding Judge	The Honorable Bruce Watson
Foreperson	Tim Marks
Foreperson pro tern	Sam Giannandrea
Sergeant at arms	Jack Coleman
Office manager	Louise Jacobson
Recording secretary	Sam Giannandrea
Corresponding secretary	Sam Giannandrea

Members

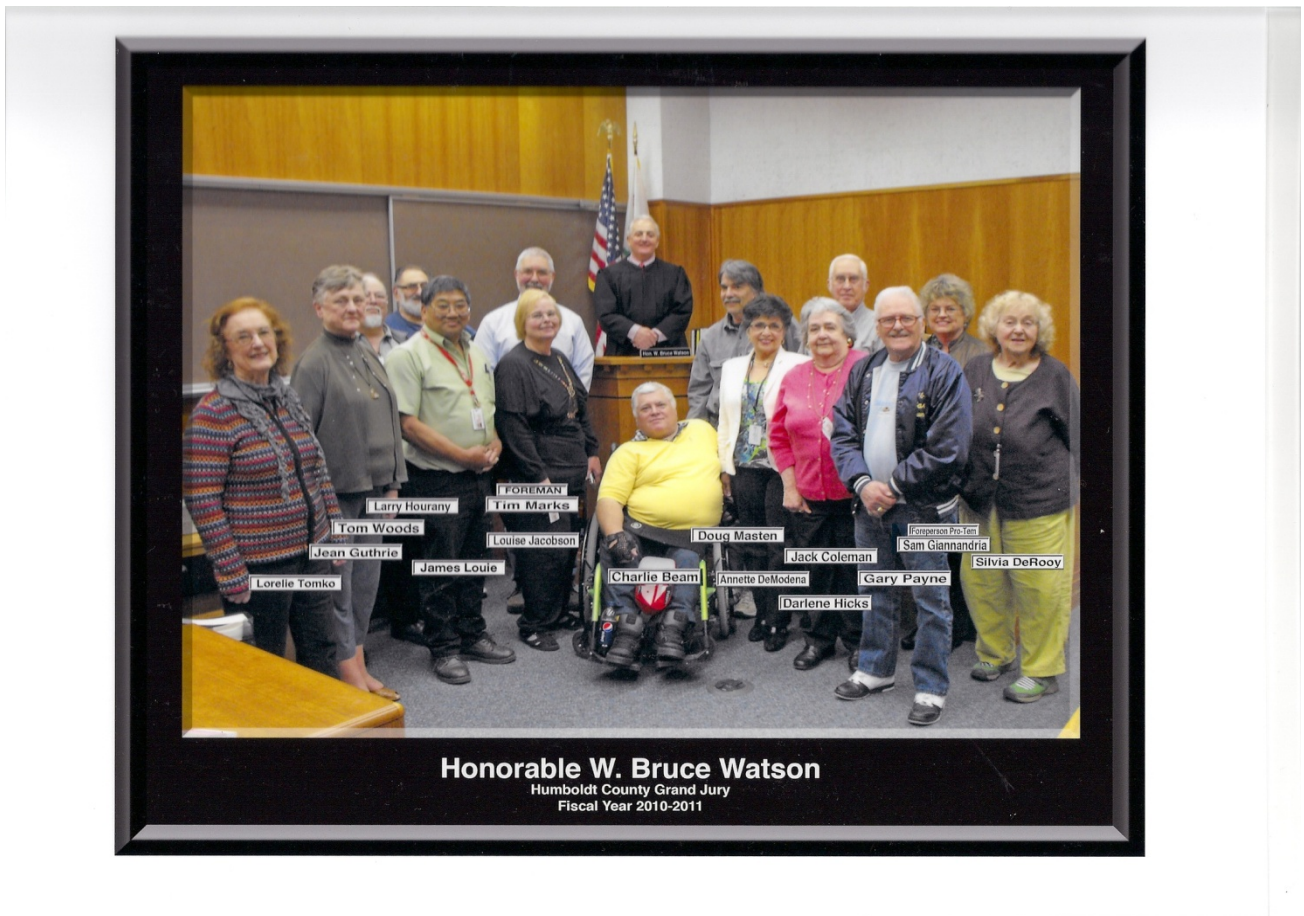
Charles Bean	Eureka
Jack Coleman	Fortuna
Annette DeModena	Eureka
Sylvia De Rooy	Westhaven
Sam Giannandrea	Arcata
Jean Guthrie	Eureka
Darlene Hicks	Arcata
Larry Hourany	McKinleyville
Louise Jacobson	Eureka
James Louie	Eureka
Tim Marks	Rio Dell
Douglas Masten	Eureka
Gary Payne	Eureka
Lorelie Tomko	Eureka
Tom Wood	McKinleyville

These members served on the Grand Jury but discontinued service before July 2011.

Mike Kears	Eureka
Lee Ulansey	Kneeland

2010-2011 Committee Chairs

Administration & Finance	Tom Wood
Cities & Districts	Tom Wood
Continuity & Jury Library	LorelieTomko
Editorial	Jean Guthrie
Health, Education & Social Services	LorelieTomko
Jails	Jack Coleman
Law & Justice	Louise Jacobson
Public Works	Jean Guthrie
Office Support Members	
Office Management	Louise Jacobson
Budget & Payroll	Darlene Hicks



GRAND JURY HISTORY AND ESSENTIALS

The mission of a civil grand jury is to help local government be responsive and efficient. The jury accomplishes this by monitoring the performance of county, city, and other public entities throughout the county by conducting research, interviews and visits to public facilities. The jury then develops reports that make recommendations to improve the efficiency and effectiveness of government.

The goal is to facilitate positive change in your county.

History of the Grand Jury System

The grand jury system originated in England shortly after the Norman conquest of 1066. By 1176, the concept of a Grand Inquest by 24 knights selected by the county sheriff was used, and rights of the common citizen were first established. By the end of the 17th Century, grand juries were independent of the crown, becoming a model for a local or county grand jury that remains with us to this day, even though England abolished its grand jury system in 1933.

United States and California History

The Massachusetts Colony established the first formal grand jury in 1635. By 1683 grand juries in some form were in all the colonies, and they began to suggest public improvements.

In California regular grand juries have been drawn in each county annually since 1850. For 160 years, grand jury oversight has contributed to local government accountability across the entire state. The state Constitution requires that a Civil Grand Jury be impaneled each year in everyone of the 58 counties. This type of jury is called a grand jury because of its size as distinguished from a *petit jury* or trial jury of 12 citizens.

The Civil Grand Jury of Humboldt County

According to state requirements, 19 citizen volunteers apply to serve and are selected by the Presiding Judge of the State Supreme Court of Humboldt County. Civil grand jurors are sworn in and formally charged with their responsibilities by the Presiding Judge. One of the most important responsibilities embedded in the oath is confidentiality.

Both confidentiality and independence hark back to the early English history of grand juries. The grand jury is the most independent of all local government institutions. It has great freedom to determine what specific areas of local government it will undertake to study, and it has free access to county public records. While independent, the jury also has ethical and moral responsibility to use its resources wisely. The Civil Grand Jury must maintain a balance between independence and responsibility.

This year's report from the Civil Grand Jury of Humboldt County is mandated by state law and is the only public record of yearlong efforts. Responses are also required by law and will become part of the record. This is the legacy of the Civil Grand Jury of 2010-11.

Grand Jury Report - 2011-AF- 01

Conflict of Interest

Summary

A citizen filed a complaint regarding the possibility of a conflict of interest by the Eureka Police Department (EPD). It questioned the EPD's handling of a report of wrongdoing, which may have involved an elected official. After a thorough investigation, the Grand Jury found that although there was no conflict of interest, the protocol for investigating a person or case where there is a close relationship between two parties within the structure of government must be better delineated.

Background

Having received the complaint, the Grand Jury interviewed several individuals. The Grand Jury also reviewed the protocol for conflict of interest and nepotism in the EPD Manual. According to our sources, this complaint should have been sent out of the department immediately, e.g. to the District Attorney's office, the Sheriff's Department, or some other outside agency. In addition, the manual states under "Conflict of Interest"

Any actual, perceived, or potential conflict of interest in which it appears that a department employee's action or inaction or decisions are or may be influenced by the employee's personal or business relationship ...

Research

- a. Examined the complaint
- b. Reviewed protocol in police manual regarding the topic under investigation.
- c. Investigated via the Internet Conflict of Interest.
- d. Interviewed relevant witnesses.

Discussion

Although there was nothing illegally done, the follow-through on this particular case was minimal; and the procedure followed, while it showed no collusion, was performed without following what little protocol their own manual contains.

Findings

1. There is definite need to delineate protocol for investigations concerning strong relationships between employees within a department or among employees from any other related departments. The manual in this area is ambiguous and needs to be written more clearly so there is no misunderstanding about any conflict of interest in regard to investigating within the city power structure.
2. Despite being told by a member of the EPD that it really wasn't that important that the "out of house" protocol be followed in this case, it is our contention based on all findings that even a hint of conflict of interest merits being extra vigilant.

Recommendations

The Grand Jury recommends that the Eureka Police Department Policy Manual be updated to avoid further questioning of the appearance of the above concerns. This would include precise instructions on how to handle conflict of interest or nepotism. Currently, there are no specific instructions or they are nebulous. No department deserves to be tainted by rumor or innuendo when a simple manual rewrite and procedural accuracy can prevent it.

Required Responses

Pursuant to California Penal Code § 933 to 933.5, response to the Findings and Recommendations of this report shall be provided by:

- ~ Eureka Police Chief
- ~ District Attorney
- ~ Eureka City Council

GRAND JURY REPORT 2011-AF-02

The Headwaters Fund: Charter versus Reality

History: The Headwaters Fund (HWF) was developed in 2002 following the public acquisition of the Headwaters Forest. This fund represents the \$20 million mitigation package to Humboldt County, offsetting economic losses incurred with the loss of timber related revenues and jobs.

The purpose of this fund was specifically delineated by the Headwaters Fund Charter and was developed following public and county input. The charter sets the rules for the perpetual use of this fund to benefit Humboldt County's economy. (available on HWF web-site)

This report discusses the successes and failures that have occurred since the inception of the Headwaters Fund Charter.

BACKGROUND: In 2009 the Grand Jury received a complaint about the Headwaters Fund (HWF) regarding the quality of management. The 2009/10 Grand Jury worked that year with interviews and investigated and prepared an initial report addressing this issue. With the judge's accord, that report and all of that

former year's material was submitted to the 2010/2011 Grand Jury.

The current Grand Jury's responsibility has been to review all of the material in the remanded report through research and interviews.

What follows is the 2010/2011 Grand Jury's report.

REPORT: Much progress has been made in the management and operation of the HWF. The 2010/11 Grand Jury commends the Headwaters Fund Coordinator for many of these improvements.

Those efforts have resulted in the following:

- The HWF website is now a valuable asset.
- Efforts are underway to document progress and assess goal achievement.
- Better checks and balances are being used in the awarding of loans.

Improved policies are in place resulting in timely loan payments and pay-offs . There are now guidelines for awarding of these loans and an effective procedure for the tracking of a loan from inception to conclusion.

- A new ten-year education program called *Decade of Difference- The 2020 Initiative* inspires optimism. A community initiative led by the County Office of Education seeks to broaden partnerships. Major stated goals are to build a well-educated workforce;

increase opportunities for viable employment; grow entrepreneurship and small business; and improve the regional standard of living.

- Attempts are being made to quantify jobs created, require timely reports, and assess benefits to the community.

However, despite this observable progress, some areas continue to fall short of directly addressing the defined purposes of the Headwaters Fund Charter.

- Grant funds have not always been used in a manner designed to increase the number of sustainable jobs that pay at or above median wages i.e. “Support the growth of base industry clusters and increase the number of sustainable jobs that pay near or above the median income.” (HWF Charter, page 2)
- New jobs at median or higher wages rarely have been created, while the main achievement has been to retain existing jobs.
- Granted funds do not always appear to “enhance the quality of life through social and environmental projects that promote healthy communities and protect the natural environment.” (HWF Charter, page 2)

- The charter states that the charter itself is to be reviewed and amended as needed every three years, indicating that the originating group expected the need to redefine and adjust its goals. This charter review duty is assigned to the Board of Supervisors, which makes the final decision on any recommendation and also appoints the seven members of the HWF Board. (page 7, HWF Charter)
- The charter clearly and firmly states that no monies may be used by the county to relieve it in times of economic strain.(page 7, HWF Charter)

It is hard to assess exactly what success HWF has had meeting community needs in the last couple of years due to a strained local economy deepened by state budget cuts. This fund and the charter which governs it, however, have been in effect since 2002. Therefore, these economic problems did not impact those years; yet the problems noted above already existed.

FINDINGS:

- A. It has not been adequately documented that sustainable jobs have been created to fulfill the terms of the charter.

- B. In general, jobs that have been saved are not of a “median or above income” level.
- C. Few new jobs have been created that are in the “median or above income” level.
- D. According to available records, a perceived conflict of interest originates with the head of the Community Development Department. The Headwaters Fund Staff (headed by that Director) is charged with the following in the charter:
1. Implementation of the HWF program from development and administration of systems, to program evaluation and reporting.
 2. Assists in preparing Grant applications
 3. Screens grant project applications

The perceived conflict arises when the Director applies for a grant, screens the grant, prepares a staff report and signs the grant contract as Grantee. The Headwaters website shows the number of grants applied for and received by this method, and Figure 1 (found on the Headwaters Fund web-site, page 20) following also explains in detail, the above referenced chain of events.

- E. Funds were allocated at the inception of this Fund for the annual administrative costs accrued by the Community Development Department.
- F. Public awareness of the availability of Headwaters grant money or the process involved is insufficient.
- G. Headwaters Funds cannot be used for financing ongoing government operations, even during times of fiscal emergencies.
- H. Reviews and recommendations to the Headwaters Fund Program have not been done since the inception of the program. According to the charter, this should have been undertaken after the first full year of operation, then every three years thereafter, including public input. Today's charter is 2002's charter.

RECOMMENDATIONS:

- A. The HWF Coordinator should establish and maintain a data base on job creation. Award funds to projects that address this as a primary criterion.
- B. Since few if any median income jobs have been saved by grants awarded, this must become a major part of the granting criteria.
- C. Job creation at median income levels must be given strong emphasis when awarding grants.

D. The Grand Jury strongly advises the removal of the Community Development Department from the checks and balances entirely, because of the perceived conflict of interest. Control would then be given directly to the HWF Coordinator, who would operate under the auspices of the County Treasurer.(refer to Finding D)

E. Those monies allocated for administration that formerly went to the Community Development Department should then go to the Headwaters Fund Coordinator and County Treasurer.

F. Initiate a campaign to increase public awareness of the granting process and the availability of these Headwaters funds.

G. The Board of Supervisors should immediately correct any misunderstandings about the availability of Headwaters Funds for County use. According to the Charter:

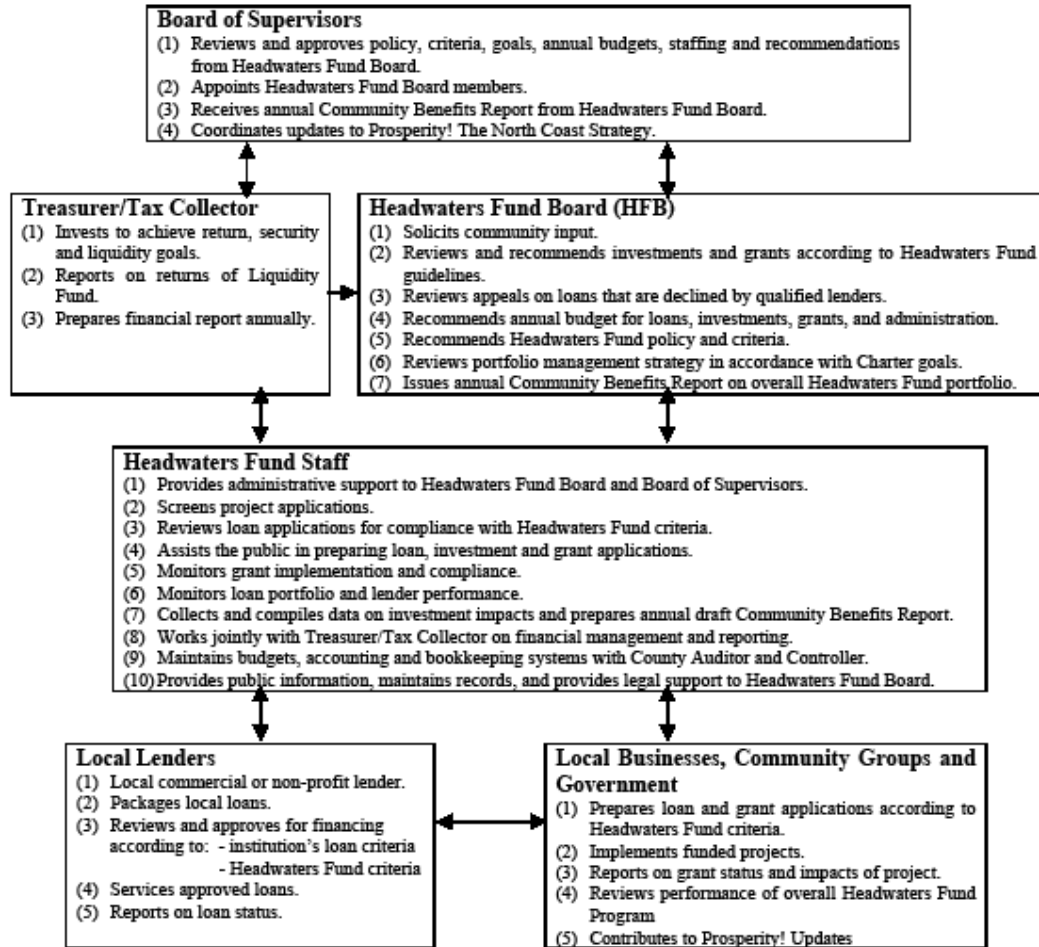
“the Headwaters Funds are segregated from the General Fund and budget of the County. The funds are irrevocably committed to the Headwaters Fund and cannot be used for financing ongoing government operations. The funds are considered ‘unavailable’ to the County for general purpose spending or working capital, even during times of fiscal emergencies.” (page 4, HWF Charter)

H. The Board of Supervisors should use the Grand Jury recommendations to fulfill the requirements of the charter review and follow this by immediately preparing and maintaining a schedule of review as was originally requested.

REQUEST FOR RESPONSES:

1. The Board of Supervisors shall respond to Recommendations A,B,C D,E,F,G, H
- 2 The Community Development Services Director shall respond to Recommendations D,E,
3. The County Treasurer shall respond to Recommendation D, E

Figure 1. Headwaters Fund Organization Chart



The Board of Supervisors – has the final authority and accountability for the use of the funds. They appoint members to the Headwaters Fund Board and oversee County staff support. They review and approve Headwaters Fund Board funding recommendations. The Board provides oversight of the process focusing on the following issues:

- Adherence to the Headwaters Fund Charter

GRAND JURY REPORT 2011-CD/AF-03

Assessor/Assessment Rolls

Background:

This 2010-2011 Grand Jury received last year's remanded report on the Assessor's Office. In addition, a complaint this year was also submitted, which involved the failure of the Assessor's office to recognize legally recorded deeds and to process these deeds as legal property conveyances. Such an alleged failure to process these deeds appeared to have prevented the County from updating assessed appraisal values and potentially failing to collect the appropriate taxes in a timely manner. It has been our task to determine the validity of these complaints.

Report:

There is confusion on the part of the public regarding the responsibilities of the Department of Community Development Services and the Assessor's Office related to the handling of parcels in dispute. Based on our interviews with both agencies, we were told that the Planning Department operates by state law under the Subdivision Map Act and the Assessor's Office primarily operates under a separate state law, the Timber Productivity Act; thus, they are separate, distinct, and in the Grand Jury's opinion, appear conflicting. The Assessor's Office ensures that correct assessments are forwarded to the Tax Collector's Office and Assessment Parcel numbers are assigned. Assessor's parcel numbers are a way to track the inventory of properties for assessment and tax purposes. The Planning Department ensures that the properties have been legally created. Just because a parcel has been assigned an AP number does not mean the property was legally created. However, the assigning of an AP number does not mean the Assessor's Office has done anything wrong.

Our current investigations and interviews have shown substantial progress has been made. Much confusion has been eliminated due to the fact that the two departments, with the assistance of the County Counsel's office, have arduously worked on this problem; and through these efforts have eliminated much of the confusion. Last year's report showed that the parcels in question were great in number, and now there are fewer than twelve.

Findings:

1. Despite the valiant effort between these two departments, there still remains the primary problem: these two departments are mandated to operate under two distinct state laws, the Subdivision Map Act and the Timber Productivity Act.

Recommendations:

1. The Grand Jury recognizes this apparent conflict as originating not with the County but with the State. We strongly recommend the Board of Supervisors understand the gravity of this problem and make serious attempts to rectify this at the state level. This issue should be addressed directly and immediately by the Board of Supervisors to the State. Grand juries have addressed this problem in the past with no apparent action forthcoming from the Board of Supervisors. We also encourage the Board of Supervisors to approach the state in collaboration with other counties which fall under the jurisdiction of the Subdivision Map Act and Timber Productivity Act to resolve this problem. We recommend a proactive approach to this problem so as not to continue with the appearance of the conflict in state law that currently seems to exist.

Required Responses:

Pursuant to California Penal Code Sections 933-933.05, responses to the Findings and Recommendations of this report will be provided as follows:

The Board of Supervisors will respond to this recommendation.

GRAND JURY REPORT- 2011 CD-01

Citizens of Humboldt versus County Planning Department

Required Responses:

Pursuant to California Penal Code §933 to 933.05, responses to the Findings and Recommendations of this report shall be provided as follows.

Humboldt County Board of Supervisors and Humboldt County Community Development Services Department Director shall respond to Findings 1 and 2 and Recommendation 2.

Background:

This complaint was filed with the 2010-2011 Grand Jury involving the Humboldt County Planning Department and the project called Forster/Gill Development, with the following issues:

- 1) Recusal of the District I representative on the Planning Commission.
- 2) The complaint listed a concern that notification procedures were inadequate prior to the meetings, i.e., canceling meeting at the last minute at least three times.

Report:

The Grand Jury reviewed the evidence concerning the recusal of the District I representative and the lack of notification of cancellation of Planning Commission meetings.

Findings:

1. The Grand Jury has concluded that the recusal of the District I representative was appropriate with regard to property being within a zone of conflict for that commissioner regarding the Forster/Gill development. California statutes mandate a conflict exists when a representative resides within a specified distance to the subject project and as such cannot vote nor participate in decisions related to that property. The County has two at-large Commissioners, thus the public is still fully represented.
2. No evidence was found to prove that the Humboldt County Planning Department purposefully canceled meetings to avoid having large numbers of the public at Planning Commission meetings regarding the Forster/Gill project (Ridgewood Village proposal), nor did we find any violation of the Brown Act.

Recommendation:

1. NONE
2. The Grand Jury regards the people's right to have input in the running of Humboldt County to be paramount. Canceling meetings without appropriate notice gives the impression of impropriety. We encourage the Planning Director to fix this repeated procedural problem to avoid future recurrence.

Grand Jury Report 2011-CD-02

Citizens of Humboldt Question Humboldt County Community Development Department Procedure

Required Responses

Pursuant to California Penal Code §933 to §933.05, responses to the Findings and Recommendations of this report shall be provided as follows.

Humboldt County Board of Supervisors and Humboldt County Community Development Services Department Director shall respond to Findings A through K and Recommendations A through H.

Background

The Forster/Gill Development Project (F/G Project) proposes a multi-phased subdivision on approximately 386 acres in the Ridgewood area just south of the Eureka city limits. The project is envisioned to be built in seven phases over 10-25 years. Ultimately, the development would include 1,442 residences and over 325,000 square feet of commercial space. The public has raised many issues concerning this proposed project, which include, but are not limited to, fire access, transportation, transportation infrastructure, the Martin Slough ecosystem, endangered species plants and animals, and a potential negative financial impact on the City of Eureka.

The Humboldt County Grand Jury has received several other complaints concerning this proposed project, including how the Draft Environmental Impact Report (DEIR) was written. Provisions of the California Environmental Quality Act (CEQA), and the Humboldt County General Plan and its updates might have been violated by the Humboldt County Planning Department and the Developer. Questions regarding several statutes and code violations in the F/G project have been brought to the Grand Jury's attention. The complaints addressed issues such as the apparent unwillingness of the Planning Department and its Director and the F/G Developers to include the vital departments, state and local, as well as members of the City of Eureka, to participate in the original planning process.

Discussion

- Planning Commissioners stated they have not received the information that they've needed and requested. As verified through the commissioners that we interviewed.

- Planning Commissioners have not received notice of meetings in a timely fashion, nor have they always received agendas in time to prepare for the scheduled meetings. As verified through the commissioners that we interviewed.

- Staff or Director has refused to provide requested information by the Planning Commissioners on more than one occasion stating, "You don't need this as it is not relevant." As verified through the commissioners that we interviewed.

- Humboldt County Planning Department staff according to the planning Commission is exercising more authority than they should.¹

- The Planning Department and the *F/G* developers indicated the *F/G* project was on hold. Then the Planning Department proceeded to prepare a DEIR without involving these entities:
 - 1 City of Eureka
 1. Caltrans
 2. Humboldt County Fire District #1
 3. Department of Fish and Game
 4. Humboldt County Public Works Department

- The Planning Department or Supervisors have not created a Citizen Advisory Group.

¹ This is verified through interviews with persons whom we are prohibited from identifying pursuant to the rule of secrecy mandated by the State.

- The threat of eminent domain was used against a property owner to acquire ingress and egress to the FIG project.'
- The estimated assessment for the development of utilities for each parcel appears too low, based on letters from officially interested parties and the DEIR.
- Based on the present assessed cost for utilities, no clear determination has been made as to who will fund the required infrastructure cost. These infrastructure cost should be decided upon before the DEIR is written -see the development agreement.
- Evidence collected indicates that the following statements by the FIG Project Developer and the Humboldt County Planning Department are inaccurate. The Planning Department stated in the original DEIR that the below listed entities agreed with the Humboldt County Planning on their portion of the report:
 1. City of Eureka
 2. Caltrans
 3. Humboldt County Fire District #1
 4. Department of Fish and Game
 5. Humboldt County Public Works Department
- Possible violations include but are not limited to the following codes and sections: SEE APPENDIX A

² Stated in newspaper articles, interviews, and public meetings, and both the developer and County Planning Department members have said this could happen.

California Code of Regulations (CEQA)
§1510, §1520, §1532, §1541, §1542, §1550,
§15003, §15083, §15086, §15104, §15123,
§15129, §15140, §15143, §15151
California Public Resources Code (CEQA)
§21002.1, §21003
California Government Code
§54950
California Government Code (Development Agreement)
§65864, §65865.2
Humboldt County General Plan
GP-IM5, GP-IM6, GP-P3

- Not adhering to the requisite codes could result in financial harm to the City of Eureka. For instance, there is a concern that the diversion of sales tax revenue from the city of Eureka and the potential future infrastructure cost of the development project could be borne by the city. (Information derived from interviews and public documents.)
- Not enough agencies are participating in the cultivation of the Development Agreement (Government Code §65864).

SEE APPENDIX B page 11

Finding

- A. The Planning Commission has not been receiving timely information from the Planning Department to prepare for upcoming meeting.
- B. Failure by Humboldt County Planning Department to provide complete, accurate, and timely information requested by Planning Commissioners. The Commissioners were refused requested information by staff and

director saying it's not relevant. In addition, commissioners were frequently not given materials for scheduled meetings until the last moment, thereby preventing the commissioners from having time to research for that night's meeting.

- C. Inaccurate claims in the DEIR were made concerning agreement on certain aspects of the DEIR. These claims involve the following departments:
- 1 City of Eureka
 - 2 Caltrans
 - 3 California State Department of Fish and Game
 - 4 Humboldt County Fire Department District #1
 - 5 Humboldt County Department of Public Work
- D. Humboldt County Planning Department and the Forster/Gill Developer have excluded concerned parties from involvement in the planning process from the beginning. See above.
- E. lack of a Citizen Advisory Group in the planning process, as outlined in CEQA that would aid in assisting the Planning Commissioners in solving issues arising with F/G project.
- F. Used the threat of Eminent Domain to a homeowner to acquire a portion of that property for ingress and egress to the Forster/Gill project.
- G. Information obtained indicated that due to economic restraints the project was put on hold in January 2010. Several months later, a DEIR was issued without the participation or notification of concerned agencies.
- H. Outdated growth calculations from the Eureka City Plan of 1995 were used to determine the assessment value of each parcel for utilities, etc. There is no determination as to who will fund the required infrastructure cost if the particular assessed values are found to be inadequate.
- I. Concerned agencies were not invited to participate in the cultivation of the Development Agreement.

5.
J.

Possible violations, including but not limited to those listed: CEQA,
Brown Act, and Humboldt County General Plan and Updated Codes:
SEE APPENDIX A

California Code of Regulations (CEQA)

§151~ §152~ §153~ §154L §154~ §155~
§15003, §15083, §15086, §15104, §15123,
§15129, §15140, §15143, §15151

California Public Resources Code (CEQA)

§21002.1, §21003

California Government Code

§54950

California Government Code (Development Agreement)

§65864, §65865.2

Humboldt County General Plan

GP-IM5, GP-IM6, GP-P3

K.

The Planning Commission is not given the opportunity to present their reasons as to why a negative decision was made (Planning Commission Role GP-P3) to the Supervisors in a contested decision by the applicant. According to County officials, "This is the way it's always been done" - only the applicant, the Director and the staff of the Humboldt Planning Department are allowed to speak to or answer questions from the Supervisors.

Recommendations

The Grand Jury has concluded that the excuse "that's the way we have always done it" is unacceptable. The Planning Commission needs to be brought up to speed to enable them to function at the highest level of effectiveness for the people of Humboldt County and especially the F/G project. The following need to be rectified:

- A. The Receipt of complete, accurate, and timely information to the commissioners by the planning staff or the director.
- B. Give the Commissioners what they need to complete their tasks. Telling the Commissioners they do not need certain information is not the decision of the Planning Department staff or Director. This has been a recurring comment throughout our interviews.
- C. Include local and state agencies concerned with a project and stop the questionable statements when preparing a DEIR. This compromises transparency in government. The Grand Jury strongly urges this be corrected, so the public will have confidence in its local Government.
- D. Institute a Citizen Advisory Group. Because of the substantial public interest in this project, lack of a Citizen Advisory Group with qualified individuals for the Forster/Gill project appears inappropriate and restricts input from the public.
- E. Allow the Planning Commissioners (GP-P3) to present their opinions and decisions to the Supervisors when the Commission says no to a project, instead of limiting the questions and answers to the Planning Department and the applicant.
- F. Use current data to determine the cost of each parcel; calculate the cost and who would pay the infrastructure cost, which could be far more than the current assessment per parcel.

- G. Invite all concerned agencies to participate in the Development Agreement including the public and collaborate openly.
- H. Correct all possible violations that may have occurred including but not limited to: SEE APPENDIX A

California Code of Regulations (CEQA)

§1510, §1520, §1532, §1541, §1542, §1550,
§15003, §15083, §15086, §15104, §15123,
§15129, §15140, §15143, §15151

California Public Resources Code (CEQA)

§21002.1, §21003

California Government Code

§54950

California Government Code (Development Agreement)

§65864, §65865.2

Humboldt County General Plan

GP-IM5, GP-IM6, GP-P3

Appendix A

California Code of Regulations

- Section 1510: The policies of citizen participation
- Section 1520: Public participation
- Section 1532: Public education and public input
- Section 1541: Education and participation of the public.

- Section 1542:** Access to decision makers
- Section 1550:** Creation and standards of community advisory committees, etc.
- Section 15003:** Environmental Impact Report (EIR) and CEQA Policies
- Section 15083:** Early public consultation on the DEIR prior to its completion.
- Section 15086:** Consultation concerning draft EIR with responsible agencies
- Section 15104:** Convening of meetings of responsible agencies
- Section 15123:** Summary of EIR: Use clear and simple language on proposed actions and its consequences.
- Section 15129:** Responsible organizations and persons consulted prior to the writing of the Draft EIR.
- Section 15140:** Wording of the DEIR simplified for decision makers and public understanding
- Section 15143:** Emphasis on significant effects on the environment
- Section 15151:** Summary of main points of disagreements among the experts.

California Public Resources Code

- Section 21002.1:** Provide meaningful public disclosure of environmental impact
- Section 21003:** Create accurate, organized report that would be meaning and useful to the decision makers and public.

California Government Code

Section 54950: The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good to know.

California Government Code (Development Agreement)

Section 65864: Lack of certainty in the approval of development projects and costs to the public ...

Section 65865.2: Related to the timelines of Development Agreement (which we have not seen in our investigations).

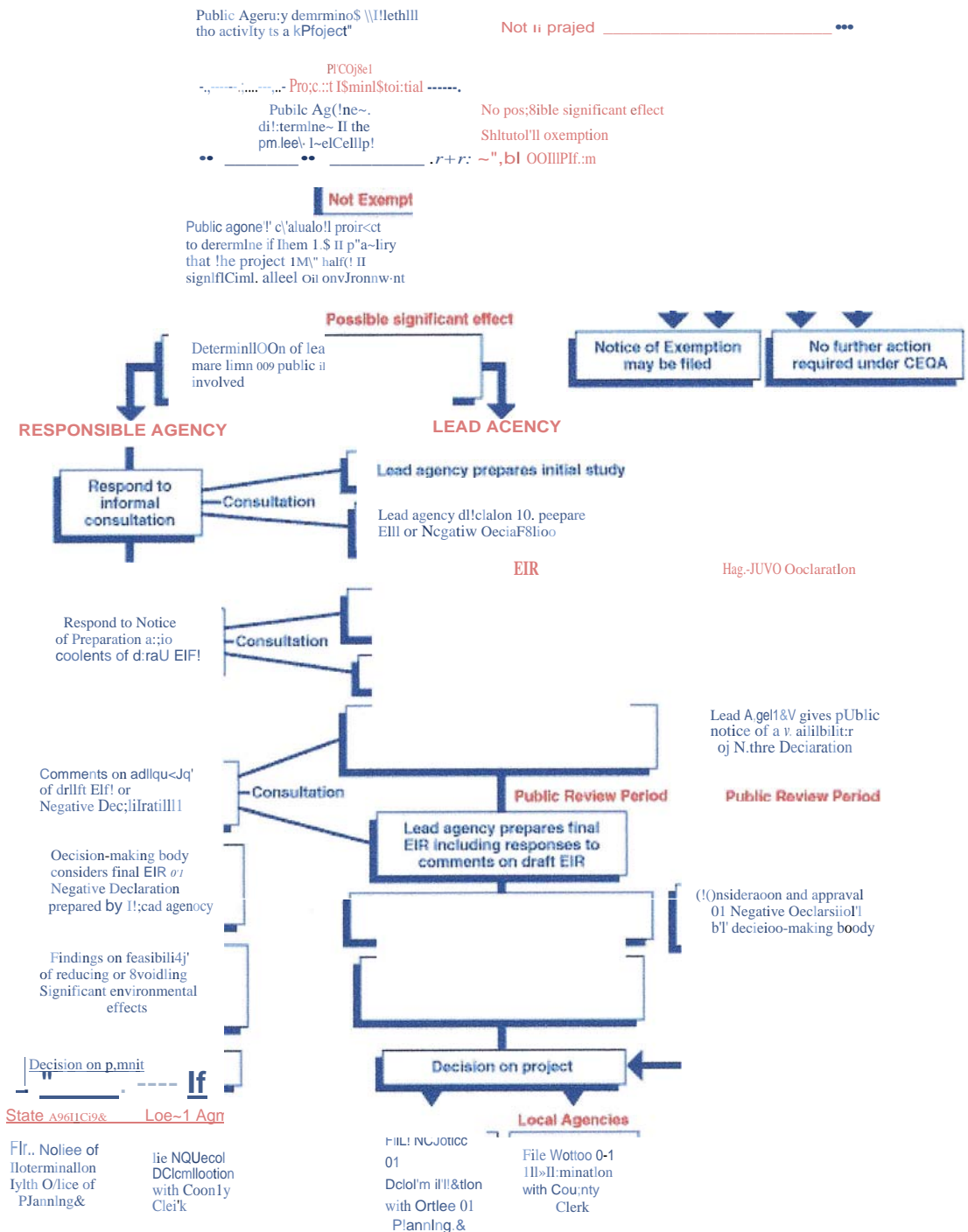
Humboldt County General Plan

GP-IM5: Provide adequate time, information, and means of input to insure early and meaningful community involvement.

GP-IM6: City, State, and County participation

GP-P3: The Planning Commission shall serve as the primary advisory body to the Board of Supervisors regarding land use.

CEQA Process Flow Chart



This file last modified on: Wednesday, May 25, 2005.

Document URL: <http://ceres.ca.gov/ceqa/flowchart/index.html>

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Addendum to Grand Jury report 2011-CD-02

Following are corrections to inadvertent typos in this report:

Page 4 top of page **California Code** of Regulations should be for §15003, §15083, §15086, §15104, §15123, §15129, §15140, §15143, §15151

Humboldt County General Plan for §1510, §1520, §1532, §1541, §1542, §1550

(Humboldt County General Plan) should read **Humboldt County General Plan draft.**

Page 6 section J **California Code** of Regulations should be for §15003, §15083, §15086, §15104, §15123, §15129, §15140, §15143, §15151

Humboldt County General Plan for §1510, §1520, §1532, §1541, §1542, §1550

(Humboldt County General Plan) should read **Humboldt County General Plan Draft.**

Page 8 section H **California Code** of Regulations should be for §15003, §15083, §15086, §15104, §15123, §15129, §15140, §15143, §15151

Humboldt County General Plan for §1510, §1520, §1532, §1541, §1542, §1550

(Humboldt County General Plan) should read **Humboldt County General Plan Draft.**

Page 8 Appendix A (California Code of Regulations) should read **Humboldt County General Plan** for §1510, §1520, §1532, §1541, §1542 and §1550

Page 9 Appendix A between section 1550 and section 15003 insert **California Code of Regulation.**

Page 10 Appendix A (Humboldt County General Plan) should read **Humboldt County General Plan Draft.**

GRAND JURY REPORT – 2011-HESS-OI

Humboldt County Library System Review

Summary

The Humboldt County Library operations were reviewed by the Humboldt County Civil Grand Jury as a discretionary investigation under Penal Code §925 a.

Background

The Humboldt County Library offers various opportunities for education and community information through the main branch and ten branch facilities. The main library is located in Eureka with branch facilities located in Arcata, Blue Lake, Ferndale, Fortuna, Garberville, Hoopa, McKinleyville, Rio Dell, Trinidad, and Willow Creek. It also operates a bookmobile that travels throughout the County on a monthly schedule. The Library has gone through many changes in the past few years, and it is important to recognize how it operates and serves the community.

Research

- a. Grand Jury members visited the Main Library and McKinleyville Branch.
- b. Websites were reviewed: <http://co.humboldt.ca.us/library/>, <http://eurekafrl.org/>, and <http://humboldtlibraryfoundation.org/>
- c. Humboldt County Library Technician Plan 2009-2010
- d. California Library Statistics 2008-2009
- e. Budget 2010-2011
- f. Board of Supervisors Agenda Item for August 24, 2010 - Recognition of donations made to library.
- g. Board of Supervisors Agenda Item for August 24, 2010 - Literacy Services Agreement with Humboldt Literacy Project.
- h. Original engineering firm interviewed about Library's structure pertaining to earthquake durability and possibility of expansion of building.

Discussion

- a. The main library was built in 1995. The Humboldt Library Foundation was formed in 1997 to support the library system.
- b. The Humboldt Room (Sometimes referred to as the Humboldt Heritage Room) houses a unique collection of local historical documents and materials, e.g., local historical housing records. Among many areas of interests is the Silk Project on local California Native Americans, as well as local high school yearbooks. The Humboldt Room is accessible whenever the Main Library is open. Docents are available to assist you.
- c. Periodical Archives are extensive and well maintained; microfiche files are kept up to date for local newspapers and easily found. Several popular magazines are also available dating back to the early 1900's (Life, Harper's, and National Geographic).
- d. Community Bulletin Boards are used for current information; one used for addressing monthly social themes; and, the other for "Public Notices."
- e. The children's section is large and extensive. Humboldt First Five provides weekly reading programs in conjunction with KEET - TV. A grant received from KEET -TV for \$360,000 aids in keeping the weekly reading program going. The Humboldt Literacy Project sponsors a Family Literacy night. The Reading Education Assistance Dogs (R.E.A.D.) program improves children's reading and communication skills by employing a powerful method: reading to a dog. R.E.A.D. dogs are specially trained animals who volunteer with their owner/handlers as a team, going to schools, libraries and many other settings as reading companions for children. A Youth Advisory Council suggests new materials. Members of the Youth Advisory Council are selected from interested youth who visit the library.
- f. The bookmobile makes 19 stops, south to Redway and east to Bridgeville; travels north to Orick and east to Orleans with over 15,000 people served last year. It previously visited these areas twice monthly, but budget cuts have reduced it to once a month. The bookmobile carries nearly 2,000 books from which visitors may select.
- g. Friends of the Redwood Libraries serve individual branches providing strong volunteer support to its community library. There is a belief at some locations

that Friends of the Redwood Libraries is one organization, but in truth, each branch has its own "Friends" group.

Findings

- a. The library's website has considerable information but is difficult to use for anyone not familiar with computers.
- b. Occasionally, donors have not been identified appropriately, nor the donation handled as requested by donor.
- c. Services, organizations, and meetings supporting library functions are not always promoted in a timely manner or in accessible places.
- d. IT services such as public computers are not sufficient in number or in time allotted to meet public demand. Public use is high for filing several required documents related to DMV, State and Federal taxes, and other public agency requirements for electronic forms.
- e. Main library directory denoting locations of key resources is not easily seen at current location. There are no indicators above the elevator as to what can be found on the second floor.
- f. A place for visitors to provide suggestions and comments is not available ..
- g. Conference room is too small for holding some popular activities. The original engineering firm confirms that expansion is feasible.

Recommendations

- a. Create a more user-friendly website with an easily accessible tutorial on how to use the site.
- b. Establish a consistent protocol on how all donations are administered, especially when there is a specific request for donor recognition.
- c. Improve publicity and recognition of organizations/individuals that contribute and support the services the library offers. For example, the McKinleyville branch uses the local Community Services District newsletter for getting information out to the public about events. Create a broader range of support by providing more publicity in local media, especially in rural areas of the County where branches are located. Information that recognizes supporting organizations should be provided for visitors.

- d. Look further into providing more computers that adequately meet the needs of the public without disrupting operations of the library.
- e. Relocate main library directory to main entrance area and enlarge it so visitors including the visually impaired may easily see it. Easily readable signage should be posted above the elevator indicating the areas available on the second floor.
- f. Place a suggestion/comment box with appropriate forms on the front counter for easy access.
- g. Add a community conference room that adequately meets needs of the public without disrupting operations of the library. It is feasible to expand on open support beams or over the front garage. This would provide increased space for additional public computers and a larger community conference room.

Required Responses

Pursuant to California Penal Code §933 to 933.5, response to the Findings and Recommendations of this report shall be provided by:

- » Humboldt County Library Director
- » Humboldt County Board of Supervisors

Grand Jury Report - Administration and Finance - 2011-AF- 1

Summary

A citizen filed a complaint regarding the possibility of a conflict of interest by the Eureka Police Department (EPD). It questioned the EPD's handling of a report of wrongdoing, which may have involved an elected official. After a thorough investigation, the Grand Jury found that although there was no conflict of interest, the protocol for investigating a person or case where there is a close relationship between two parties within the structure of government must be better delineated.

Background

Having received the complaint, the Grand Jury interviewed several individuals. The Grand Jury also reviewed the protocol for conflict of interest and nepotism in the EPD Manual. According to our sources, this complaint should have been sent out of the department immediately, e.g. to the District Attorney's office, the Sheriff's Department, or some other outside agency. In addition, the manual states under "Conflict of Interest"

Any actual, perceived, or potential conflict of interest in which it appears that a department employee's action or inaction or decisions are or may be influenced by the employee's personal or business relationship ...

Research

- a. Examined the complaint
- b. Reviewed protocol in police manual regarding the topic under investigation.
- c. Investigated via the Internet Conflict of Interest.
- d. Interviewed relevant witnesses.

Discussion

Although there was nothing illegally done, the follow-through on this particular case was minimal; and the procedure followed, while it showed no collusion, was performed without following what little protocol their own manual contains.

Findings

1. There is definite need to delineate protocol for investigations concerning strong relationships between employees within a department or among employees from any other related departments. The manual in this area is ambiguous and needs to be written more clearly so there is no misunderstanding about any conflict of interest in regard to investigating within the city power structure.

2. Despite being told by a member of the EPD that it really wasn't that important that the "out of house" protocol be followed in this case, it is our contention based on all findings that even a hint of conflict of interest merits being extra vigilant.

Recommendations

The Grand Jury recommends that the Eureka Police Department Policy Manual be updated to avoid further questioning of the appearance of the above concerns. This would include precise instructions on how to handle conflict of interest or nepotism. Currently, there are no specific instructions or they are nebulous. No department deserves to be tainted by rumor or innuendo when a simple manual rewrite and procedural accuracy can prevent it.

Required Responses

Pursuant to California Penal Code § 933 to 933.5, response to the Findings and Recommendations of this report shall be provided by:

- ~ Eureka Police Chief
- ~ District Attorney
- ~ Eureka City Council

GRAND JURY REPORT 2011-JAILS-01

Coroner's Facility

INTRODUCTION

California Penal Code 8919 (b) mandates that the Grand Jury "shall inquire into the condition and management of the public prisons within the county." Included in this responsibility, the Grand Jury of Humboldt County annually assigns its Jails Committee the task of visiting, investigating and evaluating the physical conditions and the management of the Coroner's Office,.

The Coroner is an elected position in Humboldt County. Included in his responsibilities are routine autopsies, investigations into the causes of death, and administrative duties for the estates of the deceased. The Coroner's Office is housed in part of what was originally the Union Labor Hospital, built in 1906. In the 1930' s the name was changed to the General Hospital. In the 1970's the building was remodeled, including removal of the third floor dorms. The conversion to I-way streets on three sides of the hospital (the parking lot is on the fourth side) created access problems when bringing in cadavers. This and other problems have been noted in earlier Grand Jury reports.

See appendix (A' 2008/2009 Civil Grand Jury and appendix (B '2009/2010 Civil Grand Jury report.

METHOD

Members of the Jails Committee visited the premises to meet with the Coroner and to inspect the facility on October 21, 2010, and again on November 4,2010 and January 4,2011. Relevant documents were reviewed and interviews were conducted with members of the department.

GENERAL FINDINGS

The personnel and the volunteers seem to be hard working and dedicated to their special kind of work. A major problem was seen in the removal of chemical vapors. The ventilation system is outdated and inadequate. The vapors that accumulate are unpleasant and could pose a health problem according to a doctor. The vapors that are ventilated to the outside tend to drift upward to the second floor which houses the County Mental Health Facility

This facility is not fully compliant with the Americans with Disabilities Act (ADA), due to narrow doorways and the slope of the ramp into the building. Also, there are no fire sprinklers in the facility. Estate sales are conducted on these premises, and sometimes articles may be stacked in the hallways awaiting disposition. This results in limiting space for employees to conduct business or even to exit the building in case of an emergency. Estate sales, however, should be continued as they are an important source of revenue for the department.

Traffic on the I-way street makes it difficult for the Coroner's van to pull in to the unloading ramp (see Picture A). In addition, the unloading ramp is tilted so much it makes bodies susceptible to falling off the gurney during delivery, and personnel have been injured (see Picture B) .. Beside the tilt there is a slip (see Picture B) on the entrance ramp that poses a tripping hazard. At night, to avoid these hazards, bodies are sometimes taken into the morgue by the door leading through the lobby. A small area in back is used as a deputy's office which is exposed to the fumes and vapors during an autopsy. Very limited exit way poses a problem if evacuation of the building becomes necessary.

PICTURE 'A'



PICTURE 'B'



The California Department of Justice (DJ 2304-11-275) inspected the building (7-23-08) and found ADA violations and gave Humboldt County 3 years to comply with these regulations. Time has run out, but in the absence of adequate funding, the County has asked for an extension.

RECOMMENDATIONS

A. The ventilation system should be improved.

B. A sprinkler system should be installed.

C. The loading entrance should be redesigned.

1. Lengthen driveway should be lengthened for better access.

2. Remove the lip.

3. Removed the slope.

4. Extend the overhead cover.

D. the DOJ regulations (DJ 2304-11-275) and the ADA requirement met.

E. Estate sales held at another location.

F. Provide access from the front office to the small conference room and move the deputy to the front of the facility.

RESPONSES

The Board of Supervisors shall respond to Recommendations A through E.

The Coroner shall respond to Recommendations' E and F.

CONCLUSIONS

The claim of lack of funds as a response to the prior 2008/2009 Grand Jury's recommendations (Appendix A), is not acceptable. This is a dangerous and potentially litigious situation. More funds will be spent under these circumstances than if spent on the corrections. After several

visits, the Jails Committee was told by a county official that some of the recommendations are in the process of being corrected and others are being considered. At the time of our last visit nothing had been accomplished.

Appendix 'A" 2008/2009 Civil Grand Jury Report

Finding 1:

The driveway to the carport is not long enough to allow adequate room to enter from the street before backing into the carport. This has resulted in vehicles making contact with the building.

Recommendation 1:

The Grand Jury recommends extending the driveway into the vacant area to the north.

Board of Supervisors Responses to finding 1 and recommendation 1

The Board of Supervisors agrees with the finding.

The Board will work with the Coroner/Public Administrator to extend the driveway when funding is available upon the completion of facility improvements and deferred maintenance projects that are currently either under progress or of a more pressing matter.

Finding 2:

The unloading of bodies in the carport is in full public view from the adjacent sidewalk and street.

Recommendation 2:

The Grand Jury recommends extending the carport to shield the process of handling bodies from public view.

Board of Supervisors Responses to finding 2 and recommendation 2

The Board of Supervisors agrees with the finding.

The Board will work with the Coroner/Public Administrator to extend the driveway when funding is available upon the completion of facility improvements and deferred maintenance projects that are currently under progress or of a more pressing matter.

Appendix 'B'^J 2009/2010 Civil Grand Jury Report.

The Grand Jury toured the Coroner's facility and observed the following problems:

Findings 1:

The unloading entrance, where human remains are received, is open to public view. Decency demands that handling of human remains be done with due respect for the sensitivities of neighbors, passing motorists and pedestrian traffic.

A second, more serious problem exists at the loading entrance to the Morgue. The pavement between the street and the building is tilted sharply sideways. so that the single officer, unloading remains onto a gurney, is in a very awkward and unsafe situation. There have been regrettable accidents, thus far without employee injury.

Gas vapors and chemical smells associated with the present of cadavers accumulate inside the poorly-ventilated offices, creating an unpleasant atmosphere and possible health hazard to employees.

The same products are currently being expelled through an inadequate outside ventilator which send the odors to the vicinity of open windows of the Mental Health facility (on the second floor of the

same building), to the distress of the residents and staff there. The Grand Jury regards this as unacceptable.

There is a problem with the building that stands in the way of making any improvements. The building is not ADA-certified. That is, it is not equipped to satisfy the requirements of the Americans with Disabilities Act-ramps, wheelchair access, and bathroom upgrades, for example. Bringing the entire building up to standards would be extremely expensive. A licensed contractor, if employed to make an upgrade, is required to report the non-compliance to the State, or risk losing his license. Therefore, upgrades are impossible, a Catch-22 that we hope some aggressive County intervention can solve.

Board of Supervisors Responses to finding and recommendations.

The Coroner's Office is a specialized medical facility which would require great care and caution if this facility were to be moved. This facility cannot be easily, or cheaply, replicated. Again, facilities are a priority for the Board, however, a facility as unique as the Coroner's Office cannot be moved quickly without careful consideration.

The Board of Supervisors has implemented the recommendation to improve the indoor and outdoor ventilation for the Coroner and Mental Health staff.

On October 9, 2009 the Board authorized a project award to O&M Industries for the Mental Health Branch Heating, Ventilation and Air Conditioning (HVAC) system. The project scope was expanded to include ventilation upgrades to the Coroner's Office, as the Mental Health Branch and the Coroner's Office share the same building. The Board reasonably believes that upon completion of this project (July 2010) that this will improve air flow in the Coroner's Office and remedy the fumes that are sometimes experienced due to the storage of human remains.

In summary, the Board does recognize and acknowledge the need for equipment and structural and facility upgrades in County departments and buildings.

The Grand Jury commends the Coroner for advancing the professionalism and efficiency of the department by developing a rigorous Procedures Manual, by bringing all sworn staff up to California Peace Officer certification, with mandated training, and instituting a successful program of volunteer assistant pathologists, which relieves deputies for duty elsewhere.

GRAND JURY REPORT-2011-JAILS-02

County jails and holding facilities

BACKGROUND

Penal Code §919 (b) provides that the Grand Jury "shall inquire into the condition and management of the public prisons within the county." To fulfill this responsibility, the Grand Jury annually assigns its Jails Committee the task of visiting, investigating, and evaluating the physical conditions and management of each jail and holding facility located within the county. Each facility is visited at least once by no fewer than two members of the Committee. The Committee reports its observations, findings, and recommendations to the full Grand Jury. The Grand Jury then issues an annual report on the conditions and management of these facilities.

FINDINGS

Sheriff's Station at Hoopa:

August 08, 2010 site visit.

The building is owned by the Hoopa Tribe and is shared by the Tribal Police and Humboldt County Sheriff Deputies. The Tribal Police and the Deputies have separate offices. The building includes a jail with three cells that are rarely used. The place is unclean, some lights are not working, and the fire alarm system is out of order. The computer link to the main jail has been upgraded per previous Grand Jury recommendations.

Sheriff's Station at Garberville:

August 09, 2010 site visit.

This Station has limited public access due to its being on a narrow dead end street with no signage. The holding cells are used only for storage and not for prisoners. Transportation of prisoners from the Garberville area to the main jail is a problem (as is true for

Hoopa). When there is only one deputy on duty that leaves the area unstaffed. .

Sheriff's Eureka Evidence Room;
October 11, 2010 site visit.

The Evidence Room was found to be too small for the amount of evidence stored here. There is presently one full time employee, with an occasional part time employee. Evidence from past cases is stored in an unorganized manner. Those in charge are working on a bar coding system for tracking the evidence but this is a slow process limited to time available.

Juvenile Hall and the Northern California Regional Facility:
October 28, 2010 site visit.

The Juvenile Hall has insufficient capacity for the number of juvenile arrests made in the County. The Committee was told that when a juvenile is arrested, even though .The Hall is required by law to accept every juvenile brought to them, the arresting agencies understand the limitation and find alternative solutions.

FINDINGS AT OTHER LOCATIONS

The Grand Jury found the facilities listed below to be well maintained, in good condition, well managed, and adequately staffed. The Grand Jury commends the pride, professionalism, and courtesy exhibited by the various law enforcement agencies.

Humboldt County Animal Shelter:
July 29, 2010 site visit.

The shelter was very clean, and the work environment for the employees was excellent. The environment for the animals was safe, heated where necessary, and well maintained. At the time of our visit no adoptable dog had been euthanized. We felt that all

the employees really cared about the animals. This facility should stand as an example of what an animal control shelter should be.

Fortuna Animal Shelter:
August 03, 2010 site visit.

The shelter is clean inside and out. The staff is caring, and the animals are well treated. Every effort is made toward successful adoptions. They work closely with Miranda's Animal Rescue.

Sheriff's Station at McKinleyville:
August 03, 2010 site visit.

The building is owned by the McKinleyville Community Services District (MCSD). The building was clean, tidy, and well organized. There are fire extinguishers, but no fire alarm system .. The eight deputies have a large area to cover which includes the entire north county and the airport.

Fortuna Police Department:
August 05, 2010 site visit.

They have a well maintained and organized office. A friendly and caring small town atmosphere is presented by the personnel of the department. The police department offers police response twenty four hours a day, seven days a week. The department also has an active citizens on Patrol Program, and various opportunities exist for community volunteers and student interns to play an active role in supporting public safety efforts.

They are hoping to have a new police station sometime in the future.

Ferndale Police Dept.:
August 05,2010 site visit.

The Victorian Village of Ferndale and the surrounding western Eel River valley share a blending of neighborhood and self-reliance. The small-town character, together with the isolated setting encourage a kinship of folks passionate about their homes and

lives, actively involved in the social and economic fabric of their community. The Ferndale Police Department recognizes the community of Ferndale to be unique in its heritage. The Ferndale Police accept the responsibility for the protection and safety of this community.

Sheriff's Work Alternative Program (SWAP):

August 08, 2010 site visit.

SWAP is in the firewood business, providing hundreds of cords of firewood every year at affordable prices on a sliding scale to Humboldt citizens who qualify. The labor is performed by minimum security inmates. The inmates used protective gear when using power equipment. This is an improvement over previous years when no protective gear was used.

Eel River and High Rock Conservation Camps:

August 09, 2010 and September 27, 2010 site visits.

Both camps are run in military fashion, although officers and inmates are on a first name basis. Both camps save the State a lot of money by supplying trained personnel to fight fires. Inmates at both camps have a great opportunity to lessen the impact of their incarceration through the training and the chance to give back to society.

Eureka Police Dept.:

August 10, 2010 site visit.

The Eureka Police Department serves the community with fifty-two Sworn Officers and forty professional staff civilian employees. The professional men and women of the department work together to make the city a safer place to live and work. Their top priority is providing excellent service. The officers have experience that range from over fifty years to the newly trained officer who is just beginning their law enforcement career.

This is a well maintained building. The holding cells are clean and in proper working order.

Rio Dell Police Dept.:

August 12, 2010 site visit.

The mission of the Police Department is to create and maintain a climate of safety in the community. The Department has seven full time sworn (at the time of our site visit) police officers; one Chief of Police, one Sergeant, one Corporal, and four police officers, providing twenty-four hour police coverage to the community. This is a small town police department that seems to be run very well, with a clean and orderly office. The personnel were friendly and cooperative. The holding cell was full of evidence and was unusable for holding prisoners.

Arcata Police Dept.:

September 08, 2010 site visit.

We were met by friendly personnel that took us around the building, and we were shown their policies and procedures manual. The holding cells are not used. This is a clean and well organized station, even though part of the building is rather old. The Police Department is responsible for the protection of life and property, the maintenance of order, the control and prevention of crime, and the enforcement of motor vehicle laws and regulations. Primary activities related to these responsibilities include enforcement of the laws of the state and the city; investigation of crimes; apprehension of criminals; and maintenance of crime prevention program.

Sheriff's Eureka Evidence Yard ("Boat Yard"):

October 26, 2010 site visit.

This is where equipment is stored for use in emergencies. It is also where large and some small evidence confiscated from crime scenes is stored.

RECOMMENDATIONS

- A. Hoopa Station: Needs maintenance (cleaning, and lights and fire alarm repaired)
- B. Garberville: Needs access signage for visitors .
- C. Evidence Room: Needs more space and better processing of evidence.
- D. Juvenile Halls: Need more capacity.

RESPONSES

The Sheriff's Department shall respond to Problems A, B, and C.
The Board of Supervisors shall respond to Problem D.

Grand-Jury Report – -2011-PW-01

Why is Humboldt County's Bicycling Accident Rate so High?

Summary

The Humboldt County 2010-11 Grand Jury recognizes that bicycle safety is a concern through personal experiences and from reports read and seen on local media sources. Seen continually throughout the County are bicyclists riding on sidewalks, riding along streets and rural highways against traffic and not obeying traffic rules as required. It is also recognized that there are bicyclists obeying the rules *on* the road, but vehicles are not sharing the road or providing adequate space while traveling in the area of designated bike lanes and routes. It was determined that bicycle safety was an important issue to discuss as well as to give encouragement towards the health of individuals, as well as for communities throughout the county. Since we recognize it may be too difficult to change the mindset of most adults this report focuses primarily on youth bicyclists' education.

Background

Having interviewed various representatives of local law enforcement and agencies and groups involved in local bicycling, it was discovered that Humboldt County has several programs that encourage safe bicycling.

There are serious concerns, however, from all contacted in regard to education, encouragement, engineering, enforcement, and evaluation of bicycle routes, laws, and use. Designated routes are limited to designated lanes and designated trails are either completed or in process of development in the three major cities of Arcata, Eureka, and Fortuna. In other communities, designated routes are provided through the main streets with few to no designations on side-streets. Throughout the County there are different types of bicyclists, from those who ignore the laws completely to those bicyclists that follow all the laws of the road. Law enforcement of bicycle laws differs from community to community, but none of them have strong enforcement.

Methodology - Written documents and Interviews:

- Arcata Police Department, Traffic
- Eureka Police Department, Traffic
- Fortuna Police Department, Traffic
- Humboldt County Association of Governments (HCAOG)
- Redwood Community Action Agency (RCAA)
- Office of Transportation Safety (OTS), California
- Safe Routes to School (SR2S) - Federal and State
- Humboldt County Office of Education
- California Parent Teacher Association
- Humboldt Bay Bicycle Commuters Association
- Greenwheels, Humboldt Advocacy for Transportation Choices

Research

- California DMV - <http://www.dmv.ca.gov/pubs/dI600.pdf> Drivers Handbook 2011
- Office of Transportation Safety - 2005 - 2009 Bicycle Accident Report
- California DMV: <http://www.dmv.ca.gov/pubs/dI603/dI603.pdf> Parent-Teen Training Guide
- California 2011 Driver Handbook on "Share the Road": <http://www.dmv.ca.gov/pubs/hdbk/shrslowveh.htm>

Discussion

It is recognized that out of 58 counties within California, Humboldt County ranks number 4 to 7 in bicycle accidents and injuries in the years 2005 through 2009, with the exception of 2008, where it was ranked at 17 (See chart on page 3).

In the "Parent-Teen Training Guide" bicycling safety is hardly discussed except for the following paragraph: "**Motorcycles, Bicycles, Scooters, Etc.:** Be aware that because they are small-motorcycles, bicycles, scooters, and skateboards-can be difficult to see" (page 20).

The "Drivers Handbook 2011" stresses not only motorized vehicles should follow rules and laws of the road, but bicyclists as well. It also goes into much more detail about what motorized vehicle drivers and bicyclists must do to comply (pages 61-62).

In reviewing the accident reports from the Office of Transportation Safety, it was discovered that the last report for bicycle accidents available covered 2009. In reviewing the reports from 2005 through 2009 the following data were compiled:

		2005	2006	2007	2008	2009
*Victims Killed & Injured	'Bicycles	60	55	60	47	71
	2 _U nder 15	16	7	7	7	11
** Ranking by Daily Vehicle Miles Traveled	Bicycles	5/58	7/58	5/58	17/58	4/58
	Under 15	3/58	29/58	28/58	26/58	6/58
*** Ranking by Average Population	Bicycles	6/58	8/58	6/58	15/58	5/58
	Under 15	5/58	29/58	32/58	26/58	5/58

* Victims Killed & Injured - This column shows the number fatalities and injuries aggregated. Damage-only or fender-bender collisions are not included.

** Ranking by Daily Vehicle Miles - This column weighs this city/county against all others in the Group when looking at DVMT. Cities/Counties of like size may have widely varying rates of traffic, a factor which can be meaningful on a local basis. Significant differences between this and the population column must be evaluated based on local circumstances.

*** Ranking by Average Population - This column weighs this city/county against all others in the Group based on population. Population can be a meaningful basis for comparison. Significant differences between this and the daily Vehicle Miles Traveled column must be evaluated based on local circumstances.

Note: Group in the above refers to all (58) counties in California.

1 Bicycles - Collisions in which there were victims killed or injured and a bicyclist was involved.

2_{Under 15} - Collisions in which there were victims killed or injured and a bicyclist was under the age of 15 was involved.

The California Department of Motor Vehicles information in both the "Parent-Teen Training Guide" and "Drivers Handbook 2011" provide laws regarding bicycling use and obeying the same rules as a motorized vehicle using the road ways.

The California Driver Handbook on "Share the Road" states:

- Bicyclists:

- Must obey all traffic signals and stop signs.
- Are lawfully permitted to ride on certain sections of roadway in rural areas where there is no alternate route.
- Must ride in the same direction as other traffic, not against it.

- Shall ride as near to the right curb or edge of the roadway as practical- not on the sidewalk.
- Are legally allowed to ride in the center of the lane when moving at the same speed as other traffic.
- May move left to pass a parked or moving vehicle, bicycle, animal, avoid debris, or other hazards.
- May choose to ride near the left curb or edge of a one-way street.
- Should ride single file on a busy or narrow street.
- Must make left and right turns in the same way that drivers do, using the same turn lanes. If the bicyclist is traveling straight ahead, he or she should use a through traffic lane rather than ride next to the curb and block traffic making right turns.
- Must signal all their intentions to motorists and bicyclists near them.
- Must wear a helmet if under the age of 18.
- Should carry identification.
- Shall not operate a bicycle on a roadway during darkness unless the bicycle is equipped with:
 - ~ A brake which will enable the operator to make one braked wheel stop on dry, level, clean pavement.
 - During darkness bicyclists must have the following equipment:
 - ~ A front lamp emitting a white light visible from a distance of 300 feet.
 - ~ A rear red reflector visible from a distance of 500 feet.
 - ~ A white or yellow reflector on each pedal or on the bicyclist's shoes or ankles visible from a distance of 200 feet.

Local law enforcement attempts to enforce bicycle safety and laws. Of the enforcement agencies reviewed, it was discovered each had common efforts toward enforcement of bicyclist laws and rules but lacked funding. Though each department had different ideas about enforcement, whenever possible they did participate in community bicycling safety workshops/fairs or visited schools when asked (Arcata Police Department provided an incentive program by providing vouchers from local business for inexpensive items to give to youth following good bicycling safety and laws.). Enforcing bicycling rules and laws are limited because of funding priorities and often fall to the bottom of the list of

responsibilities, unless extra funding grants were provided or bicyclists were involved in breaking laws in view of an officer or an accident.

Rails to Trails -There is a national "Rails-to- Trails Conservancy" non-profit organization whose mission it is to create a nationwide network of trails from former rail lines and connecting corridors to build healthier places for healthier people.

In our local area there are different groups or organization in support of the "Rails-to- Trails" mission. This is already being accomplished and developed through the Annie and Mary Trail, which will be a 6.8-mile multiple-use trail on the out-of-service historic railroad line between the city of Arcata and the town of Korbel for connection with the Humboldt Bay trail system, for which the Redwood Community Action Agency is currently planning. Also envisioned in the area is the "Arcata Rail with Trail" as a 4.5-mile Class I, ADA accessible, non-motorized trail that would extend from the northern end of the City of Arcata near West End Road, south to Samoa Boulevard. The trail corridor would run from the Aldergrove Industrial Park area located in northern Arcata, through Shay Park and the downtown area, and extend south near the Arcata Marsh and Wildlife Sanctuary. The proposed trail alignment would primarily run parallel to and within the North Coast Railroad Authority rail right-of-way, but has the potential to route along city-owned land adjacent to the rail line and Caltrans right-of-way.

The trail would serve as an important regional trail link connecting the proposed Annie and Mary Trail, Hammond Trail south, and Humboldt Bay Trail: Arcata to Eureka segment. The Arcata Rail with Trail has been identified in the City of Arcata 2004 Pedestrian and Bicycle Master Plan and in the 2007 Humboldt Bay Trail Feasibility Study: Arcata to Eureka segment.

The Humboldt County Association of Governments is currently working on the "*Regional Bicycling Plan for 2011*" and points out several different bicycling programs that encourage safe and responsible ridership throughout the county. The plan points to effective programs that can meet one or more goals: encourage the community, enhance safety, educate bicyclists and motorists; and improve mobility. In meeting these goals cooperation of local groups and schools is very



important to create partnerships in developing improved knowledge of bicyclists' and motorists' needs.

In developing partnerships and strengthening current goals of local community bicycling organizations and agencies throughout the county basic awareness of safety can be introduced through the "5 E's":

- **Education** - Bicyclists and drivers of all ages, but particularly elementary and middle school students are taught safety skills.
- **Encouragement** - Programs and events encourage individuals, schools, and neighborhoods to walk and bike more.
- **Engineering** - Infrastructure improvements will make routes to schools and throughout individual communities safer for biking.
- **Enforcement** - Various techniques are employed to ensure traffic laws are observed by both the bicyclists and motorists.
- **Evaluation** - Programs and projects are measured to track impacts. Surveys, trip counts, and accident data are examples of some measurement tools to evaluate outcomes.

Findings

1. We found limited and/or inadequate educational opportunities in our school systems for bicycle safety instruction.
2. During our investigations we only found one law enforcement agency in Humboldt County that has an incentive program for obeying bicycle safety rules and laws.
3. Most infrastructure improvements are in the planning phases.
4. Death and accident statistics involving bicyclists in Humboldt County are among the highest among the 58 counties in California.

Recommendations

1. Provide greater education opportunities in the school system through community service and fraternal organization involvement.
2. Establish an incentive program involving local law enforcement throughout Humboldt County encouraging safe bicycling by our youth to establish safe habits they can carry on into their adulthood.
3. Encourage the fast-tracking of infrastructure improvements to make safe routes to schools and throughout individual communities safer for biking.
4. Law enforcement agencies throughout Humboldt County should re-evaluate how bicycling laws are enforced.

Required Responses

Pursuant to California Penal Code §933 to 933.5, response to the Findings and Recommendations of this report shall be provided as follows:

- ~ Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, and Trinidad: Recommendations 1 through 4
- ~ Humboldt County Board of Supervisors, Humboldt County Public Works Director: Recommendation 3
- ~ Humboldt County Office of Education: Recommendation 1